



#3

Case No.: 11738.77540 (98,422)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PASSIVE FLOW CONTROL DEVICES FOR IMPLANTABLE PUMPS

the specification of which is attached hereto unless the following space is checked:

XX was filed on April 30, 1999 as United States Application Serial Number 09/303,004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Not Claimed</u>
1.				<input type="checkbox"/>
2.				<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.		
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status — patented, pending, abandoned</u>
1.			
2.			

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:
as my Attorneys.

Jon O. Nelson	Reg. No. 24566	J. Pieter van Es	Reg. No. 37746
Sheldon W. Witcoff	Reg. No. 17399	Thomas K. Pratt	Reg. No. 37210
James V. Callahan	Reg. No. 20095	Kathleen M. Williams	Reg. No. 34380
Charles W. Shifley	Reg. No. 28042	Helen Greer	Reg. No. 36816
Mark T. Banner	Reg. No. 29888	Tim C. Meece	Reg. No. 38553
Peter D. McDermott	Reg. No. 29411	John F. Rollins	Reg. No. 38013
Michael H. Shanahan	Reg. No. 24438	Laura J. DeMoor	Reg. No. 39654
Dale A. Malone	Reg. No. 32155	Gregory J. Cohan	Reg. No. 40959
Robert H. Resis	Reg. No. 32168	Binal J. Patel	Reg. No. 42065
Christopher J. Renk	Reg. No. 33761	Scott A. Burow	Reg. No. 42373
Marc S. Cooperman	Reg. No. 34143	William J. Klein	Reg. No. 43719
Joseph P. Krause	Reg. No. 32578	Janice V. Mitrius	Reg. No. 43808
Robert Hart	Reg. No. 35184		
John P. Iwanicki	Reg. No. 34628		

and Christopher P. Moreno, Reg. No. 38566 as a registered patent agent.

Address all telephone calls to John F. Rollins at (312) 715-1000.

Address all correspondence to BANNER & WITCOFF, LTD., Ten South Wacker Drive, Chicago, Illinois 60606.

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Michael B. Atlass	Reg. No. 30606
Reed A. Duthler	Reg. No. 30626
Peter Forrest	Reg. No. 33235
Michael A. Jaro	Reg. No. 34472
Curtis D. Kinghorn	Reg. No. 33926
Daniel W. Latham	Reg. No. 30401
Harold R. Patton	Reg. No. 22157
Dianne M. F. Plunkett	Reg. No. 35649
Thomas F. Woods	Reg. No. 36726

whose correspondence address is MEDTRONIC, INC., 7000 Central Avenue, NE, Minneapolis, MN 55432-3576.

Address all telephone calls to John F. Rollins at (312) 715-1000.

Address all correspondence to BANNER & WITCOFF, LTD., Ten South Wacker Drive, Chicago, Illinois 60606.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Charles Rogers

Inventor's signature: [Signature]

Date: 30 June 1997

Residence: Maple Grove, Minnesota 55311

Citizenship: USA

Post Office Address: 7433 Fernbrook Ln. N., Maple Grove, Minnesota 55311

Full name of second joint inventor, if any (given name, family name): Warren Starkebaum

Inventor's signature: [Signature]

Date: 28 June 1997

Residence: Plymouth, Minnesota 55442

Citizenship: USA

Post Office Address: 4230 Trenton Lane, Plymouth, Minnesota 55442

Full name of third joint inventor, if any (given name, family name): Raymond McMullen

Inventor's signature: [Signature]

Date: 28 June 1997

Residence: Shorewood, Minnesota 55331

Citizenship: USA

Post Office Address: 6055 Maple Leaf Circle, Shorewood, Minnesota 55331